13th Annual Section of Labor & Employment Law Conference
November 6-9, 2019
Hilton New Orleans Riverside

Program At-A-Glance

as of 7/9/19

Wednesday, November 6

4:00 – 8:00 pm
Conference Registration

4:30 – 5:00 pm
Law Student Orientation

5:00 – 6:00 pm
First-Time Attendee/New Section Member Orientation

6:00 – 8:00 pm
Welcome Reception and Committee Expo

Thursday, November 7

7:00 am – 8:00 am
Continental Breakfast

8:00 am – 9:15 am
Concurrent Programs
  - Balancing Employee Rights under the National Labor Relations Act with Employer Obligations under Title VII
  - How to Avoid and Respond to Sanctionable Conduct: Lessons from inside the Sandbox (Ethics)
  - Living the High Life: How Legalizing Marijuana Impacts the Modern Workplace
  - The Role of the Lawyer and Ethics Dilemmas (Ethics)
  - State Law Limitations on the Use of Non-Competition or Non-Solicitation Agreements: How Enforcement Actions Are Impacted in this Ever-Changing Landscape
  - When and Where Are Public Employee Strikes Legal?
  - Whistleblower Laws and Issues from Across the Globe

9:15 am – 9:45 am
Refreshment Break

9:45 am – 10:00 am
Welcome and Introductions
10:00 am – 11:15 am
*Plenary Session:*
Supreme Court Update/Review

11:30 am – 12:45 pm
*Concurrent Programs*
- The Brave New World: NAFTA 2.0, BREXIT and Cross-Border Labor Migration
- Determining Pregnancy- and Disability-Related Leaves
- Ensuring Pay Equity
- First Responders, Social Media and the First Amendment: A Difficult Mix
- Meet the National Labor Relations Board
- Motions *in Limine*: How to Best Use them to Your Advantage
- What Every Employment Litigator Should Know about Employee Benefits Before and During Settlement

12:45 pm – 2:15 pm
Diversity and Inclusion Luncheon

2:15 pm – 2:30 pm
Refreshment Break

2:30 pm – 3:45 pm
*Concurrent Programs*
- Are Grassroots Movements the New Enforcers?
- Causation Standards under Employment Discrimination Statutes: But-For, Motivating Factor, Pretext: What Does It All Mean?
- The Current Administration’s Impact on the Federal Workplace
- Meet the National Labor Relations Board General Counsel
- Name that Objection
- Navigating an Employee Benefit Plan Audit
- Pay Equity around the World: The Next Chapter of the #MeToo Movement

3:45 pm – 4:00 pm
Refreshment Break

4:00 pm – 5:15 pm
*Plenary Session*
The Changing Workforce

5:15 pm – 6:00 pm
Standing Committee Business Meetings

6:00 pm – 7:00 pm
Diversity and Inclusion Happy Hour

7:00 pm – 10:00 pm
Committee Receptions, Dinners and Young Lawyers Dine-Around
Friday, November 8

7:00 am – 8:00 am
Continental Breakfast

8:00 am – 9:15 am
Concurrent Programs
- Employee Protest, Political Action and Freedom of Speech in the Modern Workplace
- NLRA Basics: An Interactive Labor Law Primer (Fundamentals)
- Navigating State Wage and Hour Laws
- OFCCP’s New Focused Reviews
- Technology in the Age of #MeToo
- Trying the Challenging Employment Case
- What Every Labor and Employment Lawyer Needs to Know about Immigration Law (Fundamentals)

9:15 am – 9:45 am
Refreshment Break

9:45 am – 10:00 am
Presentation of Section Awards

10:00 am – 11:15 am
Plenary Session
The Power of People Analytics

11:30 am – 12:45 pm
Concurrent Programs
- Addressing Workplace Mental Health Issues around the World
- The Ethics of Collective Bargaining: Bigger and Better! (Ethics)
- Meet the U.S. Department of Labor: A Discussion of Strategic Initiatives in 2019 and Beyond
- Protecting Diversity Programs in a Damore Era: Strategies for the Successful Creation and Implementation of Aggressive Diversity Programs
- Surveillance, Perception of Surveillance and the Challenges of Work in the Age of Scanners, Electronic Communication and Social Media (Ethics)
- Tips for Identifying the Best Jury for Your Case in the Social Media Age
- Who is Entitled to Protection from Retaliation? (Fundamentals)

12:45 pm – 2:15 pm
Pro Bono Luncheon

12:45 pm – 2:15 pm
In-House Corporate Counsel Luncheon (In-House Corporate Counsel only)

2:15 pm – 3:30 pm
Concurrent Programs
- Addressing Constructive Discharge in the Individual Discrimination and Harassment Claim
- Crafting Winning Opening Statements and Closing Arguments in a Jury Trial
- Developments in Sarbanes-Oxley, Dodd-Frank and the SEC Whistleblower Program
- Evolving Labor Issues in the Gig Economy
- Revisiting Creative Responses to Gender-Based Violence in the Workplace and in Global Supply Chains
- Solving the Privacy Puzzle in the Workplace
- Valuing a Wage and Hour Case and Calculating Damages

3:30 pm – 4:00 pm
Refreshment Break

4:00 pm – 5:15 pm
Concurrent Programs
- Class Discovery in Wage and Hour Litigation
- Crafting Winning Opening Statements and Closing Arguments for a Judge or Arbitrator
- Does the Railway Labor Act Need a Formal Union Decertification Procedure?
- Emerging and Evolving ADA Issues, including Website Accessibility, Service/Emotional Support Animals and Neurodiverse Hiring
- Ethical Strategies for Dealing with Overly Aggressive Counsel: You Can Go Higher (Fundamentals/Ethics)
- Is Using Implicit Bias to Prove Discrimination under Title VII and Other Antidiscrimination Statutes a Viable Option?
- Recent Developments at OSHA

7:00 pm – 10:00 pm
Conference Reception at August Hall

Saturday, November 9

7:30 am – 9:00 am
Continental Breakfast

8:00 am – 9:00 am
Values Track:
Body Wisdom and Mindfulness Tools to Enhance Workplace Performance

9:00 am – 10:15 am
Concurrent Programs
- Alphabet Soup and the Employment Lawyer: The Interplay of FMLA, ADA and WC
- Class Action Certifications: When and How to Challenge and The Best Defenses to Withstand the Challenge
- How to Achieve Diversity and Inclusion in Arbitrator Selection
- LGBTQ Issues before the Supreme Court
- NLRB Rulemaking under the APA: Proposals to Revive Notice and Comment Rulemaking and Its Effect on Practitioners
- The State of OSHA Inspections Post *Mar Jac*
- Wage and Hour Fundamentals (Fundamentals)

10:15 am – 10:45 am
Refreshment Break
10:45 am – 12:00 noon

**Concurrent Programs**
- All You Need to Know about the 2018 Rule 23 Amendments
- Attorneys’ Fees and Costs in Wage and Hour Class and Collective Actions
- Employee Use of Personal Technology at the Workplace
- Ethical and Strategic Issues when the Whistleblower is a Gatekeeper (Ethics)
- Gamification in Employee Recruiting and Selection
- Harassment Claims in the Wake of the #MeToo Movement: To Arbitrate or Not to Arbitrate, That is the Question

12:30 noon – 2:00 pm

College of Labor and Employment Lawyers Program: Retrospectives on Labor and Employment Law